

Message Text

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ACTION AF-06

INFO OCT-01 EUR-12 IO-11 ISO-00 CIAE-00 DODE-00 PM-04 H-02

INR-07 L-03 NSAE-00 NSC-05 PA-02 PRS-01 SP-02 SS-15

USIA-15 SCCT-01 ACDA-10 /097 W

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R 291615Z JAN 76

FM AMEMBASSY CAPE TOWN

TO SECSTATE WASHDC 4915

INFO AMCONSUL DURBAN

AMEMBASSY GABORONE

AMCONSUL JOHANNESBURG

AMEMBASSY LONDON

AMEMBASSY LOURENCO MARQUES

AMEMBASSY LUSAKA

AMEMBASSY MASERU

AMEMBASSY MBABANE

AMEMBASSY PERETORIA

USMISSION USUN NY

UNCLAS CAPE TOWN 0080

E.O. 11652: N/A

TAGS: SF, PINT, MILI, PINS

SUBJ: NEW SAG DEFENSE LEGISLATION

REF: 75 PRETORIA 3627

1. SUMMARY: SAG HAS INTRODUCED LEGISLATION TO EXPAND PERMISSIBLE SCOPE OF OPERATIONS OF DEFENCE FORCES TO INCLUDE ALL OF SOUTHERN AFRICA AND TO PROTECT CIVIL OFFICIALS AND MILITARY MEN FROM LEGAL PROSECUTION ARISING FROM ACTS COMMITTED "IN GOOD FAITH" WHILE COMBATTING TERRORISM. BILL APPEARS TO BE POST HOC LEGALIZATION OF ANGOLAN INVOLVEMENT, BUT DOMESTIC CRITICS HAVE WARNED THAT IT MIGHT BE INTERPRETED INTERNATIONALLY AS SETTING STAGE FOR FUTURE AGGRESSION. END SUMMARY.

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WM ONE OF FIRST PIECES OF LEGISLATION INTRODUCED BY SAG

INTO PARLIAMENTARY SESSION WHICH BEGAN JAN 23 IS
DEFENCE AMENDMENT BILL WHICH AMENDS 1957 DEFENCE ACT
DEFINITION OF "SOUTH AFRICA" TO NOW MEAN "AFRICA SOUTH
OF THE EQUATOR". NEW DEFINITION GIVES SAG DOMESTIC LEGAL
AUTHORITY TO REQUIRE CONSCRIPTS AND OTHER RESERVE OR
REGULAR TROOPS TO SERVE IN AREAS OUTSIDE BORDERS OF
REPUBLIC. (TO THE PRESENT SAG CANNOT ORDER SUCH SERVICE
BUT MUST PRODUCE EVIDENCE THAT EACH SOLDIER HAS
"VOLUNTEERED" TO PERFORM DUTIES OUTSIDE THE REPUBLIC.
SOME PARENTS HAVE ASSERTED THAT SONS WHO ARE LEGAL MINORS
CANNOT "VOLUNTEER" WITHOUT PARENTAL CONSENT.)

3. OTHER IMPORTANT SECTION OF BILL GUARANTEES IMMUNITY
FROM CIVIL OR CRIMINAL ACTIONS TO STATE, STATE PRESIDENT,
MINISTER OF DEFENSE, MEMBERS OF SOUTH AFRICAN DEFENCE
FORCE OR ANY INDIVIDUAL ACTING FOR STATE FOR ANY ACT
COMMITTED "IN GOOD FAITH" WHILE COMBATTING TERRORISM IN AN
OPERATIONAL AREA. PRODUCTION OF CERTIFICATE SIGNED BY
MINISTER ATTESTING TO "GOOD FAITH" WILL BE SUFFICIENT TO
STOP COURT PROCEEDINGS. PARTIES WHO HAVE ALLEGEDLY SUFFERED
DAMAGE FROM ACTIONS WILL HAVE RECOURSE TO NONJUDICIAL
COMPENSATION COMMITTEE.

4. COMMENT: SOUTH AFRICA HAS TRADITION BORN OUT OF ITS
OWN COLONIAL PAST OF ATTEMPTING TO DEFINE CLEARLY THOSE
AREAS IN WHICH CONSCRIPTS MAY BE LEGALLY ASKED TO SERVE.
THERE HAVE BEEN POINTED JOKES ABOUT FACT THAT SOLDIERS
HARDLY DARED REFUSE TO VOLUNTEER.) PROGRESSIVE-REFORM
PARTY MP VAN ZYL SLABBERT TOLD PRESS JAN 28 THAT AMEND-
MENT "COULD BE INTERPRETED BY HOSTILE COUNTRIES AS DIS-
PLAYING AGGRESSIVE INTENTION". THIS MAY BECOME PRP'S
PRINCIPAL ARGUMENT WHEN BILL IS DEBATED LATER.
INDEMNITY MEASURE IS QUITE SIMILAR TO THAT PASSED BY RHODESIAN
PARLIAMENT IN 1974 (REFTEL).
BOWDLER

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